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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

PERITAS BRANDS, LLC,

Plaintiff,

v.

LEAPHIGH ANIMALS, LLC,

Defendant.

Case No.: 2:23-cv-00483-GMN-DJA

**STIPULATION TO EXTEND TIME TO
FILE CLAIM CONSTRUCTION BRIEFS**

(First Request)

Plaintiff, PERITAS BRANDS, LLC (“Plaintiff” or “Peritas”), and Defendant, LEAPHIGH ANIMALS, LLC, (“Defendant” or “Leaphigh”) by and through their respective counsel hereby stipulate and agree to an order extending the deadlines for the Parties to file their respective patent claim construction briefs as set forth in the Joint Discovery Plan and Scheduling Order (ECF 28) by extending Leaphigh’s responsive claim construction brief from January 10, 2024, to January 24, 2024, and Peritas’ reply to the same from January 17, 2024, to February 14, 2024. This is the first request to extend such briefings.

The parties seek these extensions to provide time to meet and confer on the propriety of seeking to extend the March 6, 2024, Markman Hearing (ECF 57) on the patent claims for which these briefings are required pending the Court’s February 27, 2024, hearing (ECF 68) on Leaphigh’s Motion to Stay Discovery (ECF 62). That Motion to Stay seeks to stay all discovery

1 until the Court rules on Leaphigh's motions to dismiss all patent claims in this action that are the
 2 subject of Leaphigh's Motions to Dismiss for lack of subject matter jurisdiction (ECF 41, 55).¹

3 The parties intend by this stipulation to secure time to meet and confer regarding
 4 continuing the Markman Hearing in connection with Leaphigh's request that the subject patent
 5 claim construction briefings and discovery should be extended to dates after the February 27,
 6 2024, hearing (ECF 68) to avoid causing the parties to incur the costs of expensive patent
 7 construction briefing and Markman hearing preparations without prejudicing either party by such
 8 extensions. As such, this request is made in good faith and for good cause and not for any purpose
 9 of delay or harm.

10 NOW THEREFORE, the Parties hereby stipulate to the entry of an order extending the
 11 deadlines for the Parties to file their respective patent claim construction briefs as set forth in the
 12 Joint Discovery Plan and Scheduling Order (ECF 28) by extending Leaphigh's responsive claim
 13 construction brief from January 10, 2024, to January 24, 2024, and Peritas' reply to the same from
 14 January 17, 2024, to February 14, 2024.

15
 16 DATED: January 10, 2024

17 **WEIDE & MILLER, LTD.**

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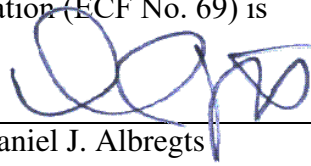
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Attorneys for Defendant Leaphigh Animals, LLC

¹ In addition to seeking a stay pending the Court's ruling on Leaphigh's motion to dismiss all non-patent claims (ECF 20).

1
2 IT IS SO ORDERED that the parties stipulation (ECF No. 69) is
3 GRANTED.



4 Daniel J. Albregts

5 U.S. MAGISTRATE JUDGE

6 Dated: January 17, 2024

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